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13 **UNITED STATES DISTRICT COURT**  
14  
15 **DISTRICT OF NEVADA**

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17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 TREVION DARNELL MITCHELL,  
21 Defendant.

22 Case No. 2:21-CR-00156-JCM-VCF-1

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24 **STIPULATION TO EXTEND**  
25 **BREIFING SCHEDULE REGARDING**  
26 **ECF NO. 44**  
(Third Request)

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28 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
29 United States Attorney, and Kenneth Nicholas Portz, Assistant United States Attorney, counsel  
30 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
31 Raquel Lazo, Assistant Federal Public Defender, counsel for Trevion Darnell Mitchell, that the  
32 government's response deadline to Defendant's Motion to Suppress (ECF No. 44) currently set  
33 for July 29, 2022, be vacated and extended to August 15, 2022. Furthermore, it is stipulated  
34 that Defendant's reply deadline to the government's response be reset to August 24, 2022.

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36 The Stipulation is entered into for the following reasons:

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38 1. Additional time is needed to confer with Mr. Mitchell to determine if he wishes  
39 to accept the plea offer. Since the last requested stipulation, defense counsel has attempted to

1 visit Mr. Mitchell on two occasions to discuss a plea offer which would obviate the need for  
2 continued litigation of his suppression motion. Mr. Mitchell has been ill and unable to come  
3 out for the scheduled jail visits.

4 2. Defense counsel is out of the jurisdiction the week of July 18<sup>th</sup>. Defense counsel  
5 has scheduled a jail visit for July 28<sup>th</sup>. This video visit had to be coordinated with Mr. Mitchell's  
6 state defense attorney given that Mr. Mitchell had questions pertaining to his state case that  
7 would impact his decision here. A portion of the state charges are related to the federal case.

8 3. If Mr. Mitchell rejects the offer, the requested time would permit the parties  
9 adequate time to respond and reply.

10 4. The defendant is incarcerated and does not object to the continuance.

11 5. The parties agree to the continuance.

12 6. The additional time requested herein is not sought for purposes of delay, but  
13 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
14 complete investigation of the discovery materials provided.

15 7. Additionally, denial of this request for continuance could result in a miscarriage  
16 of justice. The additional time requested by this Stipulation is excludable in computing the time  
17 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
18 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
19 Section 3161(h)(7)(B)(i), (iv).

20 This is the third stipulation to continue pretrial motion deadlines filed herein.

21 DATED this 18<sup>th</sup> day of July 2022.

22 RENE L. VALLADARES  
23 Federal Public Defender

24 By \_\_\_\_\_  
25 /s/ *Raquel Lazo*  
RAQUEL LAZO  
26 Assistant Federal Public Defender

JASON M. FRIERSON  
United States Attorney

27 /s/ *Kenneth Nicholas Portz*  
By \_\_\_\_\_  
KENNETH NICHOLAS PORTZ  
28 Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
TREVION DARRELL MITCHELL,  
Defendant.

Case No. 2:21-CR-00156-JCM-VCF-1

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Additional time is needed to confer with Mr. Mitchell to determine if he wishes to accept the plea offer. Since the last requested stipulation, defense counsel has attempted to visit Mr. Mitchell on two occasions to discuss a plea offer which would obviate the need for continued litigation of his suppression motion. Mr. Mitchell has been ill and unable to come out for the scheduled jail visits.

2. Defense counsel is out of the jurisdiction the week of July 18<sup>th</sup>. Defense counsel has scheduled a jail visit for July 28<sup>th</sup>. This video visit had to be coordinated with Mr. Mitchell's state defense attorney given that Mr. Mitchell had questions pertaining to his state case that would impact his decision here. A portion of the state charges are related to the federal case.

3. If Mr. Mitchell rejects the offer, the requested time would permit the parties adequate time to respond and reply.

4. The defendant is incarcerated and does not object to the continuance.

5. The parties agree to the continuance.

1       6.       The additional time requested herein is not sought for purposes of delay, but  
2 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
3 complete investigation of the discovery materials provided.

4       7.       Additionally, denial of this request for continuance could result in a miscarriage  
5 of justice. The additional time requested by this Stipulation is excludable in computing the time  
6 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
7 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
8 Section 3161(h)(7)(B)(i), (iv).

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## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

## ORDER

IT IS THEREFORE ORDERED that the government's response deadline to Defendant's Motion to Suppress (ECF No. 44) currently set for July 29, 2022, be vacated and extended to August 15, 2022.

IT IS FURTHER ORDERED that the Defendant's reply to the government's response will be reset to August 24, 2022.

IT IS SO ORDERED.

Cam Ferenbach  
United States Magistrate Judge

DATED 7-18-2022